

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

UNITED STATES OF AMERICA)	
)	
v.)	Criminal No. 3:14-cr-139-HEH-1
)	
EDDIE BLANCHARD,)	
)	
Defendant.)	

**MEMORANDUM OPINION
(Denying Motion for a New Trial)**

On May 6, 2015, a jury convicted Defendant Eddie Blanchard (“Defendant”) of nineteen (19) counts of mail fraud, wire fraud, and a variety of other crimes. (Jury Verdict, ECF No. 92.) On August 14, 2015, the Court entered Judgment in Defendant’s criminal case and sentenced him to 204 months of imprisonment. (ECF No. 125.) On July 31, 2020, Defendant filed a *pro se* Motion for a New Trial (the “Motion,” ECF No 202.)

Motions for a new trial are governed by Federal Rule of Criminal Procedure 33.

That rule provides:

(a) Defendant’s Motion. Upon the defendant’s motion, the court may vacate any judgment and grant a new trial if the interest of justice so requires. If the case was tried without a jury, the court may take additional testimony and enter a new judgment.

(b) Time to File.

(1) Newly Discovered Evidence. Any motion for a new trial grounded on newly discovered evidence must be filed within 3 years after the verdict or finding of guilty. If an appeal is pending, the court may not grant a motion for a new trial until the appellate court remands the case.

(2) Other Grounds. Any motion for a new trial grounded on any reason other than newly discovered evidence must be filed within 14 days after the verdict or finding of guilty.

FED. R. CRIM. P. 33. Defendant's Motion is based upon the alleged ineffective assistance of counsel. The Motion is clearly untimely under Rule 33(b)(2).

Defendant contends that his tardiness can be excused because he is actually innocent of knowingly and intentionally committing the crimes of which he was convicted. (Mot. at 6.) He is wrong. "To begin with, the Supreme Court has not applied this exception outside the habeas context. But even if this exception could be applied to excuse an untimely filing under Rule 33," Defendant fails to make any credible showing of his innocence. *United States v. Perez*, 847 F. App'x 843, 845 (11th Cir. 2021). Thus, Defendant's Motion for a New Trial (ECF No. 202) will be denied.

An appropriate Order will accompany this Memorandum Opinion.



/s/

Henry E. Hudson
Senior United States District Judge

Date: Nov. 17, 2023
Richmond, VA